

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA	:	3:18-cr-00281
	:	
v.	:	(Judge Brann)
	:	
JEFFREY G. BOYD	:	(Electronically Filed)

MOTION TO STRIKE SURPLUSAGE FROM THE INDICTMENT

AND NOW comes defendant Jeffrey G. Boyd, by his attorney, Elliot A. Smith, Assistant Federal Public Defender, filing this Motion to Strike Surplusage from the Indictment, based on the following:

1. On August 21, 2018, a grand jury indicted Mr. Boyd for an alleged violation of 18 U.S.C. § 922(g)(8).
2. Mr. Boyd entered a plea of not guilty on August 27, 2018.
3. Fed. R. Crim. P. 7(d) provides that, “[u]pon the defendant’s motion, the court may strike surplusage from the indictment or information.”
4. For the reasons set forth in the Brief accompanying this Motion, the indictment includes information that is both irrelevant and prejudicial to Mr. Boyd.

WHEREFORE, the defendant, Jeffrey G. Boyd, asks this Court to strike surplusage from the indictment.

Respectfully submitted,

Date: December 6, 2018

s/ Elliot A. Smith

Elliot A. Smith

Assistant Federal Public Defender

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Attorney for Jeffrey G. Boyd

CERTIFICATE OF SERVICE

I, Elliot A. Smith, Assistant Federal Public Defender, do hereby certify that this document, the foregoing Motion to Strike Surplusage from the Indictment, filed electronically through the ECF system, will be sent to the registered Participants as identified on the Notice of Electronic Filing, including the following:

Michelle Olshefski
Assistant United States Attorney

and sent to the defendant by placing the same in the United States mail, first class, postage prepaid, at Scranton, Pennsylvania, addressed to the following:

Jeffrey G. Boyd

Date: December 6, 2018

s/ Elliot A. Smith
Elliot A. Smith
Assistant Federal Public Defender